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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,461	06/27/2003	Gregory P. Bowman	BOI-0226US	9379
60483	7590	05/22/2008		
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			EXAMINER McCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 05/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/608,461

**Applicant(s)**

BOWMAN ET AL.

**Examiner**

GABRIELLE MCCORMICK

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the amendment filed on March 26, 2008.
2. Claims 1, 4-6, 20, 21, 24-26, 36, 37, 40 and 43 have been amended.
3. Claims 1-43 are currently pending and have been examined.

### ***Previous Objection to the Drawings***

4. The Examiner notes the submission of amended drawings and thanks the applicant. The previous objection is withdrawn.

### ***Previous Objection to the Specification***

5. The Examiner thanks the applicant for the clarification of the term "inline interview" and has entered the amended paragraph 15 of the specification. The previous objection to withdrawn.

### ***Previous Claim Rejections - 35 USC § 112***

6. The Examiner notes the amendments to the claims 4, 20, 24, 36 and 43 that sufficiently overcome the previous rejections.
7. As discussed above with respect to the term "inline interview", the applicant has sufficiently clarified this term, both in the remarks presented and the amendment to the specification. The rejections of claims 1-43 are withdrawn.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 6-14, 21-23, 26-33 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. (US Pat. No. 6,289,340, hereafter referred to as "Puram") in view of Stimac (US Pub. No. 2003/0071852).
10. **Claims 1, 21 and 37:** Puram discloses
- *forming an inline interview including a set of job characteristics for a position to be filled;* (col. 4; lines 44-53))
  - *assigning a set of employer rankings for the set of job characteristics;* (col. 5; line 60 - col. 6; line 9)
  - *providing the inline interview to one or more prospective job seekers;* (col. 2; lines 50-53)
  - *receiving a set of job seeker rankings for the set of job characteristics from each of the one or more prospective job seekers;* (col. 4; lines 6-12)
  - *generating a score for each of the one or more prospective job seekers, including comparing the set of employer rankings with the set of job seeker rankings.* (col. 7; lines 23-26).
11. Puram does not disclose an *inline interview specifically for the position to be filled*.
12. Stimac, however, discloses a method and system that allows a job applicant to answer a series of predetermined job related profile questions that are custom tailored for each position (P[0009]) (i.e., an inline interview for the position to be filled).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an inline interview for the position to be filled, as disclosed by Stimac, in the system of Puram for the motivation of increasing a pool of eligible job applicants by providing a

means for applicants who don't have a current and ready resume to apply, as well as allowing applicants to customize responses to a specific position. (Stimac; P[0004]). A further advantage of providing position specific profiling is the ability to collect a history of successful and unsuccessful hires in order to statistically analyze the data to improve hiring practices in the future. (Stimac; P[0135]).

14. **Claims 2 and 22:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *defining one or more job skills associated with the position.* (col. 6; lines 1-2).
15. **Claims 3 and 23:** Puram/Stimac discloses the limitations of Claims 2 and 22, above. Puram further discloses *a predetermined set of job skills from a job skills database.* (col. 6; lines 9-11).
16. **Claims 6 and 26:** Puram/Stimac discloses the limitations of Claims 2 and 21, above. Puram further discloses *a tailored set of job skills according to one or more parameters associated with the position; selecting a standard job skill from a predetermined job skills database, and forming a custom job skill specifically applicable to the position to be filled.* (col. 6; lines 9-11 and 12-31).
17. **Claims 7 and 27:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *defining one or more job tools associated with the position.* (col. 6; lines 1-2).
18. **Claims 8 and 28:** Puram/Stimac discloses the limitations of Claims 7 and 27, above. Puram further discloses *at least one of: selecting one or more standard tools from a predetermined set of job tools; and defining one or more custom tools specifically applicable to the position to be filled.* (col. 6; lines 1-2; 5-8 and 16-29).
19. **Claims 9, 29 and 39:** Puram/Stimac discloses the limitations of Claims 1, 21 and 37, above. Puram further discloses *at least one of a quantitative factor and a qualitative factor to each of the set of job characteristics.* (col. 6; lines 6-7 and 32-34).
20. **Claims 10 and 30:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *posting the inline interview on a website of a global computer communication network.* (col. 3; lines 27-31 and Figure 1c).

21. **Claims 11 and 31:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *at least one of a quantitative factor and a qualitative factor to each of the set of job characteristics.* (col. 4; lines 18-22).
22. **Claim 12:** Puram/Stimac discloses the limitations of Claim 1, above. Puram further discloses *computing a score using a plurality of computer-readable instructions embodied in a software routine.* (col. 3; lines 33-39 and col. 8; lines 47-60).
23. **Claims 13 and 32:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *a plurality of first quantitative rankings and the set of job seeker rankings includes a plurality of second quantitative rankings, and where generating a score for each of the one or more prospective job seekers includes calculating a score based on the first and second quantitative rankings.* (col. 7; lines 63-65 and Figure 11b).
24. **Claims 14 and 33:** Puram/Stimac discloses the limitations of Claims 1 and 21, above. Puram further discloses *a plurality of first qualitative rankings and the set of job seeker rankings includes a plurality of second-qualitative rankings, and where generating a score for each of the one or more prospective job seekers includes calculating a score based on the first and second qualitative rankings.* (col. 7; lines 63-65 and Figure 11b).
25. **Claim 38:** Puram/Stimac discloses the limitations of Claim 37, above. Puram further discloses *the input/output device is adapted to receive at least one of the set of job seeker rankings and the set of employer rankings via a computer communication network.* (col. 3; lines 27-31 and Figure 1c).
26. **Claims 4-5, 24-25 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. (US Pat. No. 6,289,340, hereafter referred to as "Puram") in view of Stimac (US Pub. No. 2003/0071852) in further view of McGovern et al. (US Pat. No. 5,918,207, hereafter referred to as McGovern).
27. **Claims 4, 24 and 40:** Puram/Stimac discloses the limitations of Claims 1, 21 and 37, above. Puram further discloses a skill associated with the position (col. 6; lines 37-43), job seeker

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rankings (col. 4; lines 6-12) and a candidate's interest in a position (col. 7; lines 18), but does not disclose a desire ranking indicating the seekers' desire to perform the job skill or work with the tool applicable to the position.

28. Stimac discloses a profile created for a specific job position that includes an applicant providing preference data (Fig. 44; Fig. 57; "Job Fit/Work Style: How important is it for you to work in an environment that is fast-paced and frequently challenging?"; P[0141]).
29. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included obtaining applicant preference data via a job specific profile, as disclosed by Stimac, in the system of Puram for the motivation of gaining insight into an applicant's work preferences. (Stimac; P[0154]). Using applicant preference data during the matching process would improve the effectiveness of matches and therefore increase the fit between an applicant and a position and result in reduce turn-over of employees and therefore costs.
30. McGovern discloses candidates may be targeted for skills that differ than those that they expressed a preference, thus, a candidate expressed preferences for skills.
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included skills preference data, as disclosed by McGovern, in the system of Stimac for the motivation of expanding the data gathered about an applicant to include skills preferences as an employee who is performing the types of job functions that he/she enjoys (i.e., has a preference for) is likely to be successful and this would lead to reduced employee turn-over and therefore costs.
32. **Claims 5 and 25:** Puram/Stimac/McGovern discloses the limitations of Claims 4 and 24, above. Puram does not disclose a ranking of like, dislike or indifference.
33. However, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The ranking would be performed regardless of attribute name of the rank.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included selections of preference such as like, dislike or indifferent because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the name of a ranking determination does not patentably distinguish the claimed invention.
35. **Claims 15-20, 34-36 and 41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al. (US Pat. No. 6,289,340, hereafter referred to as "Puram") in view of Stimac (US Pub. No. 2003/0071852) in further view of Herz (US Pat. No. 6,029,195).
36. **Claims 15, 34 and 41:** Puram/Stimac discloses the limitations of Claims 1, 21 and 37. Puram further discloses *for each of the set of job characteristics, a difference between a particular employer's ranking and a particular job seeker's ranking and summing over all.* (col. 7; lines 48-67 and Figure 11b).
37. Puram does not disclose *multiplying by a weighted value to produce a product.*
38. Herz, however in column 22, lines 2-28, discloses multiplying a distance between two object sets by a weighting factor.
39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included multiplying by a weighting factor, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).
40. **Claim 16:** Puram/Stimac in view of Herz discloses the limitations of Claim 15, above. Puram further discloses *required, custom and extra* (col. 6; lines 15-31 (core and custom) and col. 6; line 8 (beneficial)); *skills and tools met and exceeded* (col. 6; lines 1-2; (skills and tools) col. 7; lines 34-37 (fit the needs) and 51-54 (exceeds)); and *desire* (col. 7; lines 12-15).
41. Puram does not disclose *multiplying by a weighted value to produce a product.*
42. Herz, however in column 22, lines 2-28, discloses multiplying a distance between two object sets by a weighting factor.



43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included multiplying by a weighting factor, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).
44. **Claims 17 and 18:** Puram/Stimac in view of Herz discloses the limitations of Claim 15, above. Puram does not disclose equivalent weightings or varying weightings.
45. Herz, however in column 20, lines 23-47, discloses "Not all point estimates ... should be given equal weight" and "point estimates ... should be weighted less heavily..." and "estimate of topical interest...should be weighted more heavily if user V has had more experience..."
46. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a variety of weightings, including equivalent, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).
47. **Claims 19-20, 35-36 and 42-43:** Puram/Stimac in view of Herz discloses the limitations of Claims 16, 34 and 41, above. Puram further discloses *regular and custom* (col. 6; lines 15-31 (core and custom), *skills and tools* (col. 6; lines 1-2; (skills and tools), *desire to perform* (col. 7; lines 12-15) and *experience* (col. 4; line 44).
48. Puram does not disclose varying weightings.
49. Herz, however in column 20, lines 23-47, discloses "Not all point estimates ... should be given equal weight" and "point estimates ... should be weighted less heavily..." and "estimate of topical interest...should be weighted more heavily if user V has had more experience..."
50. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a variety of weightings, including equivalent, as disclosed by Herz in the system disclosed by Puram, for the motivation of providing a method of specifying "the relative importance of the attributes in establishing similarity or difference..." (Herz; col. 22; lines 22-24).

### ***Response to Arguments***

51. Applicant's arguments with respect to claims 1, 4, 21, 24, 37 and 40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./  
Examiner, Art Unit 3629

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629